



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
)
Johann BELLER et al) Art Unit: 2855
)
Appln. No. : 09/884,955) Ex: T. Miller
)
Filed : June 21, 2001)
)
For : APPARATUS FOR GENERATING)
AND CONDUCTING A FLUID)
FLOW, AND METHOD OF)
MONITORING SAID APPARATUS)

TECHNOLOGY CENTER 2800

JUL - 8 2003

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RESPONSE WITH ELECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INTRODUCTORY COMMENTS

This is responsive to the official action mailed June 4, 2003 in the above-identified application

ELECTION

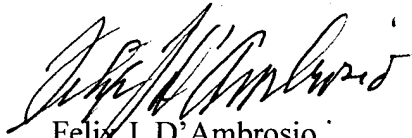
Applicants respectfully elect with traverse claims 1-18, 35, 36 and 40-45 for further prosecution.

REMARKS

The basis of the examiner's restriction requirement is basically classification. Classification, however, should not be a basis of a restriction requirement. For two or more inventions in an application to be subject to a restriction requirement, the two or more inventions must be distinct. Distinctness is the determining fact not their relationship.

The examiner is urged to reconsider this restriction requirement and examine not only claims 1-18, 35, 36 and 40-45 but claims 19-34 and 37-39 as well.

Respectfully submitted,



Felix J. D'Ambrosio

Reg. No. 25,721

July 7, 2003

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